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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,362	11/16/2001	Nils O. Olsson	3993968-126973	1397
23570	7590	02/13/2006	EXAMINER	
PORTER WRIGHT MORRIS & ARTHUR, LLP INTELLECTUAL PROPERTY GROUP 41 SOUTH HIGH STREET 28TH FLOOR COLUMBUS, OH 43215			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,362

Applicant(s)

OLSSON ET AL.

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-12,22 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-12,22 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a non-final Office Action for application number 09/993,362 Zero Looseness Fastener for Linkage Assembly, filed on 11/16/01. Claims 1, 2, 4, 5, 7-12, 22 and 26 are pending. This is a non-final Action is in response to applicant's reply dated 1/23/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "body portion expanded outwardly to form a bulge engaging the links" (Claim 26) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 26 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original disclosure had not adequately taught the "formation of a bulge" and the entry of this is considered new matter.

Claim Rejections - 35 USC § 103

Claim 1, 2, 4, 5, 7-12, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5738475 to Chaban and in view of United States Patent No. 37965088 to Arff.

Chaban shows a fastener (92) and first and second links (82, 88) used in conjunction with a moveable seat track (10), the fastener rotatably connects the links while eliminating free play.

Chaban does not disclose the specific fastener as described.

The patent to Arff discloses a mounting assembly having a first rotatable member (33), having a first external surface and a thickness, a first internal surface, and a first aperture (51) with a first longitudinal length extending between the first external surface and the first internal surface, a second link (21) having a second external surface and a second thickness, a second internal surface, and a second aperture (29) with a second longitudinal length extending between the second external surface and the second internal surface, and a single piece fastener (59) having a head portion (61) located on the external surface of the first rotatable member and a cylindrical body portion extending therefrom and terminating at a distal end (67) opposite the head portion (61). Arff teaches a hollow rivet with a central bore having an internal diameter, wherein the central bore extends for a length less than the total length of the body portion wherein the central bore is open at the end of the body portion opposite the head portion (61) and is closed toward the head of the body portion and wherein the body portion is expanded outwardly within the apertures to engage the rotatable member (33) and the link (21).

Arff also shows wherein the body portion of the fastener extends through the first and second apertures and that the fastener has a length that is greater than the sum of the first thickness and the second thickness of the rotatable member and the second

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link such that when the internal face of the first rotatable member is placed against the internal face of the second link and the body portion is inserted through the first rotatable member and second link, a segment of the body portion extends beyond the member and the link, wherein the distal end of the body portion is plastically deformed to form a bulge and to form a lip (67) engaging an external surface of the second link and allows rotational movement (See Col. 3 lines 5-19) and not linear movement wherein the lip portion locks the fastener to the second link to prevent relative rotational movement while allowing the other rotatable member to rotate, wherein the central bore has a maximum internal diameter which extends through all of the second longitudinal length of the second aperture and more than half of the first longitudinal length of the first aperture so that the central bore extends a distance which is at least half-way through the aperture, such that the body portion which is plastically deformed into contact with the first rotatable member near the head portion (61), within the first aperture to provide surface to surface contact between the body portion and the first rotatable member from the first internal surface and extending in a direction toward the head portion for more than half the first longitudinal length of the first aperture, which eliminates free play between the first rotatable member and the fastener.

The fastener is used to allow the rotatable member and the second link to rotate, yet to securely fasten the rotatable members together. The structure can also be used without oil or a sleeve bushing. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have substituted the fastener as taught by

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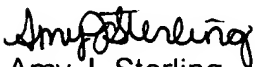
Arff for the fastener in Chaban, in order to have an oil-less, bushing-less, secure, yet rotatable fastener.

Response to Arguments

The applicant has argued that Finality should be withdrawn because the art cited was not of record, in order to give the applicant a chance to respond. This argument is persuasive and finality has been withdrawn. All other arguments are moot in view of the new grounds of rejection above.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 571-272-6815. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (Informal communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.


Amy J. Sterling
2/6/06